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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: April 18, 2017

DISPOSITION SHEET

FILE NO.: IV 2323173

FROM: STEPHEN B. JOHNSON, CHIEF
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

TO: JOSIE S. WOOLUM, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: ALEXANDER GUERRERO, #[redacted]
DEPUTY SHERIFF GENERALIST
TWIN TOWERS CORRECTIONAL FACILITY
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

Upon consideration of the facts developed in this investigation, I have determined that Subject Guerrero be **discharged** from his position as a deputy sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

STEPHEN B. JOHNSON, CHIEF — Date: 4/18/17

CASE REVIEWED BY:

BOBBY D. DENHAM, ASSISTANT SHERIFF — Date: 04-18-17

EDDIE RIVERO, ASSISTANT SHERIFF — Date: 04.18.17

JACQUES A. LA BERGE, UNDERSHERIFF — Date: 04/18/17

JIM McDONNELL, SHERIFF — Date: 4-19-17

The evidence in this investigation supports the following charges:

1- That in violation of the Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Order (as it pertains to 3-01/100.00, Use of Force Reporting and Review Procedures); and/or 3-01/040.70, False Statements; and/or 3-01/050.10, Performance to Standards, on or about June 29, 2011, while on-duty, Subject Guerrero provided false information to a supervisor, and in a use of force/supplemental report, and/or failed to perform to standards established for his position, as evidenced by but not limited to:

   a. making false statements to Sergeant Yocum, by stating that he was not present during a use of force incident; and/or,

   b. making false statements to Sergeant Yocum, by stating that he had been escorting inmates back to their assigned housing locations during a use of force incident, and/or words to that effect; and/or,

   c. making false statements to the watch commander, former Lieutenant David Bobo, by stating, "I wasn't there;" when asked if he witnessed a use of force incident; and/or,

   d. discussing the incident with former Deputy Jackson and Custody Assistant Rawlings and collectively agreeing that Subject Guerrero would remove himself from the incident; and/or,

   e. failing to verbally report witnessed force by former Deputy Jackson and Custody Assistant Rawlings against Inmate Murray; and/or,

   f. failing to properly report witnessed force by former Deputy Jackson and Custody Assistant Rawlings against Inmate Murray in a supplementary report.

2- That in violation of the Manual of Policy and Procedures Sections 3-01/040.70, False Statements; and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness, on or about October 10, 2012, and October 25, 2012, Subject Guerrero omitted information, provided false or misleading statements during an Internal Criminal Investigation and/or obstructed an on-going criminal investigation, as evidenced by but not limited to:

   a. making false statements, on October 10, 2012, that he was in the transfer center booth when he heard a noise, looked out the booth window, and witnessed former Deputy Jackson "taking Inmate Murray to the ground," and/or words to that effect; and/or,

   b. providing conflicting statements during the ICIB interviews regarding his observations of Deputy Jackson's use of force on Inmate Murray; and,

   c. making false statements, on October 25, 2012, that he reported the force he witnessed to Sergeant Yocum who said "you weren't there. You didn't see anything, you're out of this;" and/or words to that effect.

3- That in violation of the Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct, on or about April 12, 2016, Subject Guerrero brought discredit and embarrassment upon himself and/or the Los Angeles County Sheriff's Department when he appeared in Los Angeles Superior Court and testified to lying to a supervisor (Lieutenant Bobo) about not being present during the use of force incident, dated June 29, 2011.

4- That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about March 7, 2017, Subject Guerrero made false statements during an Internal Affairs Investigation, as evidenced by but not limited to:

   a. stating "Yes Sir," when he was asked " did anyone tell you not to write a supplemental report on your actions of what you witnessed;" and/or,

   b. stating, "Sergeant Yocum," when asked who instructed him to not document a witnessed force incident; and/or,

   c. stating Sergeant Yocum said "stay out and let Jackson and Rawlings handle the paper," when witnessed force was reported to Sergeant Yocum.

Summary

On October 10, 2012, ICIB investigated a force incident that occurred on June 29, 2011, at 1945 hours, at TTCF in the Tower I Transfer Center. The use of force involved former Deputy Jackson.

The investigation revealed that former Deputy Jackson punched Inmate Murray without cause multiple times, while Custody Assistant Bryan D. Rawlings, #[redacted], held Inmate Murray's legs down. Inmate Murray was handcuffed and waist-chained at the time of the incident. Later, it was determined Subject Guerrero was present and witnessed the incident. Ultimately, the ICIB investigation resulted in the criminal prosecution of former Deputy Jackson.

Subject Guerrero never authored a supplemental report regarding the incident he witnessed.

On October 10, 2012, during Subject Guerrero's first interview with ICIB, he stated he was in the Tower One Transfer Center booth when he heard a "slap and then something hit the ground." He said he walked out of the booth and stood by as former Deputy Jackson and Custody Assistant Rawlings "grabbed and subdued" the inmate on the ground. Subject Guerrero told the watch commander, retired Lieutenant David Bobo, he was not there and denied witnessing the incident because he "felt any type of force on a waist-chained inmate is bad" and "knowing that was the case, I wanted no part of it."

Subject Guerrero stated he "chose to remove himself from whatever the scenario was." He admitted he had discussed the incident with former Deputy Jackson and Custody Assistant Rawlings and they collectively agreed that he would remove himself from the incident. He further stated he wanted nothing to do with the incident; therefore, did not author a supplemental report regarding the force he witnessed. Subject Guerrero was relieved of duty following the interview.

Fifteen days later, on October 25, 2012, Subject Guerrero participated in a second interview with ICIB. During that interview, Subject Guerrero stated that following the use of force incident on June 29, 2011, he notified his immediate supervisor, Sergeant Michael R. Yocum, #[redacted], who responded to the scene (Subject Guerrero did not mention any interactions with Sergeant Yocum during the first interview).

Subject Guerrero stated he told Sergeant Yocum about the force he witnessed, but Sergeant Yocum told him he "did not" witness the incident and advised him not to write a report. Subject Guerrero met with the involved personnel and decided to uninvolved himself from the incident. During his interview with Internal Affairs Bureau (IAB), Sergeant Yocum adamantly denied directing Subject Guerrero to remove himself from his involvement in the incident, or lie to the watch commander.

On March 7, 2017, Subject Guerrero was interviewed by IAB. During the interview, Subject Guerrero stated he was walking toward the Tower One Clinic to use the restroom when the use of force occurred, and not in the Tower One Transfer Center booth as he stated in both interviews with ICIB over four years earlier. He also stated that when he responded to the scene, he saw former Deputy Jackson and Custody Assistant Rawlings struggling with the inmate so he placed his hands on the inmate's leg which he did not mention during his two interviews with ICIB.

During the IAB interview, Subject Guerrero stated that after he reported the force he witnessed to Sergeant Yocum, Sergeant Yocum told him to "stay out and let Jackson and Rawlings handle the paper." That allegation was disputed by Sergeant Yocum who stated that Subject Guerrero told him he did not witness the incident.

On May 28, 2013, ICIB investigators submitted an Obstructing Justice, 148(A)(1) PC, case for filing consideration to the Los Angeles County District Attorney's Office, Justice Systems Integrity Division, regarding this force incident. Subject Guerrero was listed as one of the suspects in this case. On June 24, 2014, the Los Angeles County District Attorney's Office declined to file charges against Subject Guerrero and Sergeant Yocum.

Subject Guerrero testified he was in the clinic area, about 50 feet away from the incident, when he heard a loud slap and the sound of a body hitting the floor. As he approached the scene, he saw the inmate attempt to head-butt former Deputy Jackson violently, which he failed to mention during both of his interviews with ICIB. Subject Guerrero also testified that he lied to Lieutenant Bobo when he said he was not present during the force incident. Furthermore, he admitted to removing himself from the incident, and failing to write a report even though he was a witness.

Review of Applicable "Guidelines for Discipline" Section

The Department's "Guidelines for Discipline" handbook lists the following analogous misconduct with the associated disciplinary penalties applicable during the time periods of this investigation:

Obedience to Laws, Regulations and Orders	W/R to Discharge
Use of Force Reporting and Review Procedures	5 – 15 Day Suspension
False Statements	20 Day – Discharge
Performance to Standards	W/R to Discharge
Obstructing an Investigation	10 Day - Discharge
General Behavior	W/R to Discharge
Failure to Make Statement/ False Statements	Discharge

Assessment of Mitigating and Aggravating Factors

Severity of Infraction:

The severity of the infractions in this incident are serious. Although, the District Attorney's filing was declined, the referral for prosecution is an embarrassment to the Department and brings discredit upon the member and the Department regardless of whether of a criminal case is filed. Subject Guerrero's actions covered up an out-of-policy force used by Deputy Jackson which are among the most egregious violations for sworn personnel. Subject Guerrero's actions brought discredit upon himself and the Department.

Department personnel are required to conduct themselves in a manner consistent with the Department's Core Values. Subject Guerrero stated that at the time of the incident, he was aware of the Department's policy regarding use of force reporting; however, he failed to write a report documenting the force he witnessed as required by Department policy and admitted he made false statements to the watch commander when he said he was not present and did not witness the use of force.

Intent, Truthfulness, and Acceptance of Responsibility:

Subject Guerrero was less than forthcoming during this investigation. During all three investigative interviews that he participated in, he made conflicting and/or false statements. Despite admitting he was familiar with the Department policies which govern force, he only partially accepted responsibility for his actions;

instead placing the blame on his immediate supervisor and the other individuals involved in this incident.

Subject Guerrero's failure to report a witnessed force incident, his admitted dishonesty, and his inconsistent statements throughout this investigation were a failure to adhere to the standards of the Department and the public we serve and render him unsuitable for continued employment as a deputy sheriff.

Degree of Culpability:

Subject Guerrero is solely responsible for his misconduct.

Past Performance/Disciplinary History:

Subject Guerrero has been a deputy sheriff for thirteen years. Prior to that he had [redacted] of service with the [redacted] He has [redacted] investigations.

[redacted]

Disposition:

Based upon the foregoing assessment of mitigating and aggravating factors, the following is the level of discipline to be assessed, subject to revision upon receiving Subject Guerrero's response or grievance:

_X_ Discharge

___ Reduction in Rank

___ Suspension with loss of pay and benefits for ____ days.

___ Written Reprimand

___ No discipline recommended

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